

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RONG DING,

Plaintiff,

Civil Action No. 07 CIV 9873

(Rakoff, J.) (Freeman, M.J.)

-against-

CONTINENTAL AIRLINES, INC.,

Defendant.

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DEFENDANT CONTINENTAL AIRLINES, INC.'S RESPONSE
TO AUTOMATIC DISCLOSURE PRIOR TO DISCOVERY

PLEASE TAKE NOTICE that defendant CONTINENTAL AIRLINES, INC. (hereinafter "Continental"), by its attorneys McKeegan & Shearer, P.C., as and for its Response to Automatic Disclosure Prior to Discovery in accordance with Federal Rule 26(a)(1) of the Federal Rules of Civil Procedure, states:

Automatic Disclosure 1. Disclose the identity of all persons with pertinent information respecting claims, defenses and damages.

Response 1. At this time, Continental is aware of the following persons who may have pertinent information respecting claims, defenses and damages: plaintiff Rong Ding and Shirley Danku, Dorothy Wong-Low and Vanessa Cheatham of Continental.

Automatic Disclosure 2. Disclose a general description of all documents in the custody and control of the parties bearing significantly on claims and defenses.

Response 2. At this time, Continental is aware of the following documents: Continental Airlines' Station Report of Customer Incident; Flight Attendant Report; Flight List Document pertaining to plaintiff; document entitled, "Describe the Incident in Detail"; boarding pass for DING/RONGMS; Continental Airlines Customer Incident

Report; a handwritten statement from Shirley Danku; a handwritten statement from Dorothy Wong-Low; a handwritten statement from Vanessa Cheatham; a handwritten statement from Lyne Rapchak, and the redacted Passenger Name Report. Copies of such documents are annexed hereto.

Automatic Disclosure 3. Provide authorizations to obtain medical, hospital, no-fault and worker's compensation records.

Response 3. This automatic disclosure demand is inapplicable to Continental, the defendant in the captioned matter.

Automatic Disclosure 4. Disclose the documents relied on by the parties in preparing the pleadings or documents that are expected to be used to support allegations.

Response 4. See Response 2 above.

Automatic Disclosure 5. Disclose the contents of any insurance agreement.

Response 5. Continental objects to this demand on the grounds of relevance and on the grounds that the information requested is highly confidential and proprietary and the requested information is not calculated to lead to the discovery of admissible evidence. Without waiving said objection, the coverage limits that apply to this matter are in excess of the ad damnum in the Complaint. Global Aerospace is the custodian of this policy.

Dated: New York, New York
November 7, 2007

McKEEGAN & SHEARER, P.C.

By /s/
George P. McKeegan (GPM 8602)
(A Shareholder of the Firm)
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TO: RICK J. RUTMAN, ESQ.
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1. FLT ATTENDANT REPORT

2. CHECK-IN SEAT INFO, 1

3. EMAIL FROM LEGAL CO AFTER CONFERENCE CALL

4. DR CERT OK TO TRAVEL FROM HKG

Continental Airlines



JUN 19 2007

Risk Management
340054

(SPAAR FORM)

STATION REPORT OF CUSTOMER INCI

DATE AND TIME OF INCIDENT INFLIGHT 99/12 JUN		AIRCRAFT # 20	FLIGHT # 99	GATE #	FROM: EWR	TO: HKG
LOCATION OF INCIDENT (TERMINAL/INFLIGHT/JETWAY, etc.) IN FLIGHT		WAS AN INCIDENT REPORT GIVEN TO CUSTOMER? Y/N				
WAS EMERGENCY TREATMENT OFFERED? IF YES, WHO PROVIDED TREATMENT? AMBULANCE MET A/C ON ARRIVAL		WAS IT ACCEPTED? Y/N IF NO, WHY NOT?				
NAME OF CUSTOMER OR INJURED PARTY RONG	FIRST DING	INITIAL	LAST			
HOME ADDRESS WILAD	STREET NO.	CITY	STATE	ZIP	TELEPHONE #	
SOCIAL SECURITY NO.	SEX	DOB	OFFICE TELEPHONE #			
PAX ROUTING WAS CO99 EWR HKG, CZ 306 HKG, CAN (GUANG ZH)						
DESCRIBE THE INCIDENT IN DETAIL: PAX SUSTAINED INJURY IN FLIGHT. SEE FLT ATTENDANT REPORT. PAX TRVLG WITH SON, LIANG/SHU JIM. AMBULANCE TOOK PAXS TO SAINT MARGARET'S HOSPITAL, HONG KONG. INFORMATION AS PER MR LIANG WAS THAT ARM BROKEN & DOCTOR NEED PERFORM SURGERY. MR LIANG SAYS THAT COST VERY HIGH, SO PLAN TO LEAVE HOSPITAL, NO SURGE						
DESCRIBE CUSTOMER'S INJURY: AFTER SPENDING ONE NITE) AND GO BACK TO CHINA TO CONTINUE HEALING. MR LIANG PAID ALL MEDICAL BILLS. I DECLINED TO PAY MEDICAL BILLS ON BEHALF OF COMPANY EXPLAINING						
WITNESSES (PRINT): NAME	ADDRESS	TELEPHONE #				
NOT AVAILABLE. THAT HE NEEDS TO DO THE "CUSTOMER INCIDENT REPORT" AND SUBMIT WITH MEDICAL INV. TO CO FOR INVESTIGATION BEFORE ANY REIMBURSEMENT OR COMPENSATION. ATTACHED IS AN EMAIL EXPLANATION BECAUSE HE NEEDED SOMEONE MORE SENIOR AT CO TO EXPLAIN COMPANY'S STANCE.						
REPORT PREPARED BY: P. WISER	DATE: JUN 14/2007	EMPLOYEE #: 09812CM	BASE: HKG			
SIGNATURE:						
DATE: JUN 14, 2007						
DISTRIBUTION: WHITE/ORIGINAL - RISK MANAGEMENT via BOARDMAIL - HQSRK OR FAX (713) 324-5661 YELLOW - STATION MUST MAINTAIN FILE FOR 6 MONTHS UNLESS SETTLED (THEN FORWARD TO HQSRK)						

- ☒ Customer Injury/Illness
☐ Customer Conduct
☐ Damage to Customer Property

Continental Airlines

Page 5 of 7
 Place sticker from
 Customer Report here.
 Customer Report required
 for customer
 injury / illness / damage.

Flight Attendant Report

FORM TO BE COMPLETED AND SUBMITTED
 BY INFLIGHT CREW WITHIN 24 HOURS

DATE AND TIME OF INCIDENT 6-13-07 9:15 ^{A.M.} _{P.M.}		AIRCRAFT # 20	FLIGHT # 99	GATE #	FROM: EWR	TO: HKG
DESCRIBE THE LOCATION OF THE INCIDENT (TERMINAL, JETWAY, INFLIGHT, etc.) PAX from Seat 21-D FAH Fell in lav during turbulence				WAS A CUSTOMER REPORT GIVEN TO THE CUSTOMER? Y / N		
WAS EMERGENCY TREATMENT OFFERED? Y <input checked="" type="checkbox"/> N IF YES, WHO PROVIDED THE TREATMENT? DING		WAS IT ACCEPTED? Y <input checked="" type="checkbox"/> N IF NO, WHY NOT? RONG				
NAME OF CUSTOMER FIRST DING		INITIAL		LAST RONG		
HOME ADDRESS STREET #		CITY	STATE	ZIP	TELEPHONE # CAN-34149890	
SOCIAL SECURITY #		SEX F	DOB 6-26-47	OFFICE TELEPHONE #		
DESCRIBE THE INCIDENT IN DETAIL (USE ADDITIONAL SHEETS OF PAPER IF NEEDED): while on final decent, crew member alerted me that pax 21-D was injured. I went to check, needed speaker to aid me, used Jasming, was told pax fell in lav. during turbulence. It appears she dislocated her elbow. We alerted the Capt. and it was too late for med link. He talked to ops. Medics to meet the plane. PAX is Female age 77. Traveling with sons was not informed until 10 mins to taking our jump seats (Correction - she fell by Door 3 - then to went LAD)						
WITNESS INFORMATION NAME Wong Wm Ming			WITNESS INFORMATION NAME Shirley Dawber			
ADDRESS			ADDRESS # 98669			
PHONE NUMBER 917-535-6683			PHONE NUMBER 338 780 5242			
DISTRIBUTION: WHITE (ORIGINAL) - PLACE IN WHITE ENVELOPE, BOARDMAIL TO HQSRK YELLOW - PLACE IN YELLOW ENVELOPE, BOARDMAIL TO IAHIT PINK - FLIGHT ATTENDANT'S COPY			FLIGHT ATTENDANT'S NAME: _____ EMP#: _____ BASE: _____ SIGNATURE: _____ DATE: _____			

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NAME LIST FLT 99 DATE 12JUN EWR SPECIFIC NAME
ID PASSENGER NAME DST ADDR PTY SUR CLS TO-FLT FRMFLT 2ND
EWR
D321 * DING/RONGMS HKG ABHRJQ 2 1 V 99
BO
SEQ NBR 212
EWR TO HKG Y N 21D

***** FLT C099 IN POSSIBLE OVS. PLZ SOLICIT VOLS.
SEE //OVS/FLT/99 *****
ZONE 1 COORD EXT 13501
LOAD PLANNER EXT 47229
*

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NAME LIST FLT 99 DATE 12JUN EWR SPECIFIC NAME
ID PASSENGER NAME DST ADDR PTY SUR CLS TO-FLT FRMFLT 2ND
EWR
L322 LIANG/SHUJIM HKG ABHRJQ 2 1 V 99
B2 CO 725365/66
SEQ NBR 211
EWR TO HKG Y N 21F

***** FLT C099 IN POSSIBLE OVS. PLZ SOLICIT VOLS.
SEE //OVS/FLT/99 *****
ZONE 1 COORD EXT 13501
LOAD PLANNER EXT 47229
*

DESCRIBE THE INCIDENT IN DETAIL

On Jun 12 2007 Ms Ding Rong took flight CO 99Y from New York to Hong Kong. About 50 minutes before arriving Hong Kong Ms Ding went to the Restroom of the airplane, suddenly the airplane encountered the turbulence and jolted Ms Ding fall down to the ground and injured her left arm, the air hostess helped Ms Ding back to the seat. As soon as the airplane arrived Hong Kong after 46 minutes, Ms Ding was sent to Princess Margaret Hospital by ambulance. Under the approve of the doctor of Margaret hospital, Ms Ding transferred to Guangzhou Red Cross hospital on Jun 15 9:00 am discharge from there on Jun 29 12:00am

Hong Kong Princess Margaret Hospital expense: ~~HK\$ 3870~~

Guangzhou Red Cross hospital expense: ~~RMB28855.5~~